

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Angela Callahan, individually, and as  
Natural Guardian and Next Friend of her  
minor child, J.D.,

Plaintiffs,

v.

Rodgers Builders, Inc., Newbold Services,  
LLC, Precision Walls, Inc., and John Doe  
Defendants 1–10,

Defendants.

Civil Action No. 6:17-CV-02809-DCC

**ORDER**

On February 21, 2018, the parties filed a Joint Motion to Remand. ECF No. 37. The parties acknowledged that Plaintiff's Amended Complaint, ECF No. 13, added a non-diverse party, Newbold Services, LLC, as a defendant. ECF No. 37. After reviewing the filings, the Court determined that this case was not removed from State Court, and was filed in this Court's original jurisdiction. Therefore, the Court issued a text order directing the parties "to file briefing as to the appropriate procedural remedy." ECF No. 40. In accordance with the Court's direction, the parties filed a joint submission and Motion requesting dismissal of Plaintiffs' claims against Defendant Newbold Services, LLC without prejudice, which would preserve diversity jurisdiction. ECF No. 45. The parties further requested realignment of Defendant Rodgers Builders, Inc.'s cross-claim against Defendant Newbold Services, LLC as a third-party complaint.

After reviewing the parties' submission and the relevant law, the Court dismisses Defendant Newbold Services pursuant to Federal Rule of Civil Procedure 21. The Court further realigns Defendant Rodgers Builders, Inc.'s claim against Defendant Newbold Services, LLC as a

third-party claim. The parties are directed to file amended pleadings reflecting these changes within fourteen (14) days of this Order.

Accordingly, the Joint Motion to Remand is **DENIED**, and the Consent Motion to Dismiss and Realign is **GRANTED** consistent with this Order.

IT IS SO ORDERED.

March 22, 2018  
Spartanburg, South Carolina

s/Donald C. Coggins, Jr.  
United States District Judge

